### Forensic Implications of Disabilities in the Legal System

Muhammad Abubakar, M.S., & Kristine M. Jacquin, Ph.D.

#### Introduction
- Approximately 20% of Americans live with a disability
- Disabilities can range from physical to cognitive limitations
- Studies show a disproportionate number of disabled individuals are incarcerated (Delsh, 2010)
- Research indicates the needs of these individuals are not being met in prison systems (Blitz, 2008)
- Inmates with a cognitive impairment were more likely to face victimization than other inmates (Kanbergs & Durfe, 2019)

#### Current Research
- Kanbergs & Durfe (2019) investigated the role of mental illness as a facilitator for victimization
- Inmates with cognitive impairments reported that they felt targeted and threatened on a daily basis by other inmates (Kanbergs & Durfe, 2019)
- House & colleagues (2018) investigated youth with disabilities in correctional facilities, and their success rate matriculating back into society
-House & colleagues (2018) argue youth with disabilities are already at increased risk for school failure and negative adjustment
- There is a clear lack of research that provides a systematic review of correctional programs for youth with learning and behavioral disabilities (House et al., 2018)

#### Discussion & Legal Implications
- Americans with Disabilities Act was passed into law in 1991 to ensure equal treatment and opportunities for disabled individuals (Lang et al., 1998)
- Courts made their own parameters of the ADA, which differed from state to state (Lang et al., 1998)
- Multiple states have outdated laws that do not meet the needs of disabled individuals in light of current research (Lang et al., 1998)
- For example, North Carolina holds intellectually disabled individuals to the same standards as intellectually capable individuals in trials of neglect (Dittmar, 2019)
- Lack of uniformity ultimately leads to the ADA not being upheld within the justice system

#### Future Directions
- Several aggressive measures need to be taken to address over-representation of disabled individuals in the legal system
- Outdated laws should be revisited in light of recent research
- Educational programs for jurors and prison personnel should be created, highlighting the needs of disabled individuals
- A new model should be introduced in adult and juvenile correctional facilities that is recidivism-reducing
- States must uniformly enforce the Americans with Disabilities Act
- Future research should focus on making the legal process more accommodating for disabled individuals

#### Study and Design

<table>
<thead>
<tr>
<th>Study and Design</th>
<th>Participants</th>
<th>Participant Ethnicity</th>
<th>Age</th>
<th>Risk Type</th>
</tr>
</thead>
</table>
Completed: n = 73  
Gender: n = 68 Male, n = 5 Female  
Non-completed: n = 85  
Gender: n = 80 Male, n = 5 Female | Completed: n = 40 Black  
n = 26 Hispanic  
n = 4 White  
n = 3 Other  
Non-completed: n = 38 Black  
n = 43 Hispanic  
n = 2 White  
n = 3 Other | M = 17.97 | Completed: n = 63 learning disability  
n = 6 did not respond  
n = 4 no learning disability |
Responders: n = 108  
Non-responders: n = 423  
Gender: n = 93 Male, n = 14 Female  
Gender: n = 349 Male, n = 71 Female | Completed: M = 17.33 | M = 17.68 | Noncomplete: n = 56 learning disability  
n = 7 No learning disability |
Non-responders: n = 108  
Responders: n = 423  
Gender: n = 93 Male, n = 14 Female  
Gender: n = 349 Male, n = 71 Female | Completed: n = 72 White  
Responders: n = 345 White | | |

Adapted from House & colleagues (2018)

#### References


